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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,097	11/30/1999	SHUICHI WATANABE	0033-0630P	8589
7590	09/16/2008			
BIRCH STEWART KOLASCH BIRCH LLP P O BOX 747 FALLS CHURCH, VA 220400747			EXAMINER DIEP, NHON THANH	
			ART UNIT 2621	PAPER NUMBER PAPER
			MAIL DATE 09/16/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/451,097	WATANABE, SHUICHI
	Examiner Nhon T. Diep	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

1) Responsive to communication(s) filed on 17 March 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5-27 and 37 is/are pending in the application.  
 4a) Of the above claim(s) 5-14, 19-26 is/are withdrawn from consideration.  
 5) Claim(s) 15-18 is/are allowed.  
 6) Claim(s) 1,27 and 37 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11/30/1999 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement (PTO-1449)  
 Paper No(s)/Mail Date 3/17/2008, 7/21/2008

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Rendered Decision***

1. This is a Non-Final Office Action for application no. 09/451,097 in response to the Board of Appeals Decision on August 3, 2007, re-opening the prosecution as to the merits of the claim in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 27 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugano et al (US 6,473,459 B1).

Sugano et al discloses a scene change detector comprising the same image retrieval information storing apparatus for storing frame feature values in association with a plurality of frames of image data, comprising:

a calculating unit for calculating statistics of motion vector information related to said image data (figure 1, el. 4 and 5; figure 2, el. 14; figure 10; col. 5, ln. 26-35);

a frame feature value generating unit for generating a frame feature value which is numerical information representing quantity of a feature contained in a frame of said

image data using the calculated statistics (figure 10, average of motion vectors and/or the variance of the motion vectors, col. 5, ln. 26-35); and

    a frame feature value storing unit for storing said frame feature value in correlating form with the frame of said image data, the frame feature value storing unit being connected to said frame feature value generating unit (figure 1, el. 8 and col. 7, ln. 17-20: the frame judged as an abrupt scene change has its time code registered in a scene change registration unit and the frame's time code is considered a correlating value of the frame feature value) as specified in claims 1 and 37; and that the image apparatus further comprising:

    a coding information reading unit for reading motion vector information from said image data which is coded (figure 2, el. 13); and

    said frame feature value generating unit generates said frame feature value based on said motion vector information (figure 10, Mmv and Vmv and col. 5, ln. 36-40; an average of motion vectors and/or the variance of the motion vectors are generated based on motion vectors) as specified in claim 27.

***Allowable Subject Matter***

4.    Claims 15-18 are allowed.

***Conclusion***

5.    The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

    a. Koz (US 5,990,955) discloses a dual encoding/compression method and system for picture quality/data density enhancement.

- b. Horne (US 5,473,379) discloses a method and apparatus for improving motion compensation in digital video coding.
- c. Dorricott (US 6, 101,222) discloses a scene change detection.
- d. Weiss et al (US 5,510,834) discloses a method for adaptive estimation of unwanted global picture instabilities in picture sequences in digital video signals.
- e. Nakagawa et al (US 6,078,617) discloses an apparatus and method for coding and decoding video images.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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